IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 7041 of 2007(L)

PETITIONER:

MOHANKUMAR P.V., S/O VASUDEVAN NAIR,
AGED 40, MOTOR VEHICLES INSPECTOR,
SUB REGIONAL TRANSPORT OFFICE,
VADAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

THE TRANSPORT COMMISSIONER,
MOTOR VEHICLES DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 7041 OF 2007 L
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Dated this the 2nd March, 2007

J U D G M E N T

The petitioner belongs to the cadre of Motor Vehicle Inspector. While working at Thalassery he had applied for a transfer to Ottapalam which is his native place. This was done pursuant to official communication alerting the officers to submit their applications for consideration at the time of general transfers, 2007. While so, the petitioner has been transferred from Thalassery to Vadakara as per order dated 9-2-2007 passed by the respondent. The petitioner apprehends that the above order of transfer passed in the month of February, 2007 may be used by other officers to take away his right to be considered for a posting in Ottapalam or any other place of his choice at the time of general transfers of the year 2007. Such an apprehension is entertained in the background of non-consideration of claims made by officers for transfer pointing out orders passed prior to the issuance of the general transfer orders.

2. I think, the apprehension entertained by the

petitioner is well founded. For the simple reason that he was subjected to an order of transfer in February, 2007 and that too without his request, he shall not be deprived of his right to be considered for a posting in a place of his choice at the time of general transfers along with other officers. Hence, this writ petition is disposed of directing the respondent to consider the application filed by the petitioner in the prescribed pro forma seeking for a posting at Ottapalam at the time of general transfer orders of 2007, eschewing order issued in February, 2007 from consideration.

The petitioner shall produce a copy of the judgment and a copy of the writ petition before the respondent for information and compliance.

K.K. DENESAN
JUDGE

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